

// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of April, 2006, at 7:30 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Council Member Dodson gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Seiffert, Hutcherson 6

Absent: Johnson 1

// Copies of the minutes of the March 28 (two meetings) and April 4, 2006 meetings, having been previously furnished Council, reading was dispensed with. Council Member Helgeson asked that a vote on the March 28 minutes be postponed until the April 25 meeting to allow time for clarification regarding a portion of the work session minutes. On motion of Council Member Dodson, seconded by Council Member Seiffert, Council by the following recorded vote approved the April 4, 2006, minutes as presented:

Ayes: Dodson, Foster, Gillette, Helgeson, Seiffert, Hutcherson 6

Noes: 0

Absent: Johnson 1

// In the matter of City Council, City Council Report #2 was considered. On motion of Council Member Dodson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-06-032, as presented, approving the filing of a grant application to help provide operational funding for the Gateway:

Ayes: Dodson, Foster, Gillette, Helgeson, Seiffert, Hutcherson 6

Noes: 0

Absent: Johnson 1

// Mayor Hutcherson and Vice Mayor Foster recognized the Heritage High School In-Door Track Team for winning the Double AA State Championship.

// Council Member Johnson arrived at 7:36 p.m. during the recognition of the Heritage High School In-Door Track Team.

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #3 outlining the petition of Glenn D. White for a Conditional Use Permit at 3311 Old Forest Road to allow the construction of a Cluster Commercial Development (CCD) that would permit the sale of office condominiums. City Planner Tom Martin provided a brief summary of the petition. Mr. Glenn White provided an overview regarding the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Vice Mayor Foster, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-06-033, as presented, granting the Conditional Use Permit:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report # 4 outlining the petition of Greenview Properties, LLC, to rezone 0.322 acres at 759

Leesville Road from R-1, Low Density Single Family Residential District, to B-3C, Community Business District (conditional), to permit the construction of a commercial entrance road. City Planner Tom Martin provided a brief summary of the petition. Mr. Ray Booth, representing the petitioner, provided an overview regarding the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Dodson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Ordinance #0-06-034, as presented, granting the rezoning petition:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// In the matter of Housing Authority, a public hearing was held regarding City Council Report #5 regarding a request from the Lynchburg Redevelopment and Housing Authority (LRHA) for authorization to pursue acquisition of blighted property at 800 Mansfield Avenue under Section 36-19.5 of the Code of Virginia. LRHA Development Assistant Connie Snavelly provided an overview regarding the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Gillette questioned whether any attempt had been made to ascertain the mental competence of the property owner since he is residing in what seems to be a mental health facility. Ms. Snavelly responded that written notice regarding tonight's public hearing was sent to the property owner and that he did sign for the notice. LRHA Executive Director Ed McCann stated that if a property owner is not mentally competent, then the Authority's legal counsel would request that the Courts appoint a guardian to represent the property owner's interest in any court proceedings. Mr. McCann went on to say that this action has been taken by the Authority in the past when a property owner was found to be mentally incompetent. City Attorney Walter Erwin did note that if court proceedings are initiated by the Authority, then the property owner would be served with a copy of the court papers by the Sheriff's Office. Following discussion, and on motion of Council Member Dodson, seconded by Vice Mayor Foster, Council by the following recorded vote adopted Resolution #R-06-035, as presented, approving the request from the Lynchburg Redevelopment and Housing Authority for authorization to pursue acquisition of blighted property at 800 Mansfield Avenue under Section 36-19.5 of the Code of Virginia:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// In the matter of City Code, a public hearing was held regarding City Council Report #6 regarding adoption of an Ordinance to amend the City Code relating to water and sewer rates. Utilities Director Tim Mitchell provided an overview regarding the request. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Helgeson stated that he would not vote in favor of increasing any fees until City Council starts looking at ways to reduce the real estate tax rate. Some Council Members commented that this increase is needed to cover the cost of providing a service and to ensure compliance with the Special Order for the Combined Sewer Overflow Program. On motion

of Council Member Johnson, seconded by Vice Mayor Foster, Council by the following recorded vote adopted Ordinance #O-06-036, as presented, amending the City Code relating to water and sewer rates:

Ayes: Dodson, Foster, Gillette, Johnson, Seiffert, Hutcherson

6

Noes: Helgeson

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// In the matter of Housing Authority, City Council Report #7 regarding authorizing the Lynchburg Redevelopment and Housing Authority to pursue acquisition of blighted property at 1811-1813 Grace Street under Section 36-19.5 of the Code of Virginia was again considered. City Manager Kimball Payne stated that following a public hearing on February 14, City Council agreed to postpone for two months a decision regarding the Housing Authority's request to allow time for the property owners to complete the needed repairs. LRHA Development Assistant Connie Snavelly provided a brief summary and update regarding the status of the property, stating that up until today no work had been done on the property. Ms. Snavelly also informed that in March, the property owners were fined \$500 by the Court for violations of the City's Property Maintenance Code and given thirty days to correct the violations. Ms. Snavelly went on to say that Mr. Hawes did call yesterday to request additional time to complete the repairs. Some Council Members commented that the property owners were given sufficient time to complete the repairs. Mr. Hawes presented City Council with recent photographs of the work that has been done on the house. City Manager Kimball Payne explained that approval of the Housing Authority's request does not mean that they take immediate possession of the property, and all the property owners needed to do would be to complete the repairs to the house. Following discussion, and on motion of Vice Mayor Foster, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-06-037, as presented, authorizing the Lynchburg Redevelopment and Housing Authority to pursue acquisition of blighted property at 1811-1813 Grace Street under Section 36-19.5 of the Code of Virginia:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// In the matter of Community Planning – Community Development, City Council Report #8 regarding approval of the allocation of \$1,205,965 for Fiscal Year 2007 Community Development Block Grant (CDBG) funding and \$428,573 HOME funding to eligible program activities was considered. Council Member Helgeson, Vice Chair of the Community Development Advisory Committee (CDAC), stated that the CDAC did recommend more funding for the Spot Blight Abatement program because of the importance of the program to the neighborhoods, and cited two reasons why the CDAC did not recommend funding to the Legacy Museum, i.e., that partial funding would not be sufficient to complete the display for which the funding was being requested and that the Museum still had unspent funds remaining from last year's allocation. Council Member Helgeson stated that he would like to see the funding allocated as recommended by the CDAC. Following discussion and on motion of Council Member Johnson, seconded by Council Member Dodson, Council by the following recorded vote approved the allocation of \$1,205,965 for Fiscal Year 2007 Community Development Block Grant (CDBG) funding and \$428,573 HOME funding to eligible program activities:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// The meeting was recessed at 8:36 P.M. to April 18, at 1:00 P.M., to conduct a work session regarding the FY2007 Budget.

Clerk of Council